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11 *Attorney for Plaintiff, Christiana Trust, a Division of Wilmington Savings Fund Society, FSB, not*
12 *in its Individual Capacity but as Trustee of ARLP Trust 3*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 CHRISTIANA TRUST, A DIVISION OF
16 WILMINGTON SAVINGS FUND SOCIETY,
17 FSB, NOT IN ITS INDIVIDUAL CAPACITY
18 BUT AS TRUSTEE OF ARLP TRUST 3,

19 Plaintiff

20 vs.

21 NORTH AMERICAN TITLE INSURANCE
22 COMPANY,

23 Defendant

Case No.: 2:19-cv-01782-CDS-BNW

**STIPULATION AND ORDER FOR
LIMITED STAY OF CASE**

24 Plaintiff, Christiana Trust, a Division of Wilmington Savings Fund Society, FSB, not in
25 its Individual Capacity but as Trustee of ARLP Trust 3 (“Plaintiff”) and Defendant North
26 American Title Insurance Company (“Defendant”, and with Plaintiff, the “Parties”), by and
27 through their undersigned counsel, hereby stipulate as follows:

28 This matter involves a title insurance coverage dispute wherein Plaintiff contends, and
Defendant disputes, that the title insurance claim involving an HOA assessment lien and
subsequent sale was covered by the subject policy of title insurance. There are now currently
pending in the United States District Court for the District of Nevada and Nevada state courts
more than one-hundred actions between national banks, on the one hand, and title insurers, on the
other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA

2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 and/or CLTA 115.2/ALTA 5 Endorsements.

This matter was previously stayed pending a Ninth Circuit appeal in *Wells Fargo Bank, N.A. v. Fidelity Nat'l Title Ins. Co.*, Ninth Circuit Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-WGC) ("*Wells Fargo IP*") [ECF No. 9], which resolved on November 21, 2021.

The Parties have conferred and believe another limited six-month stay is warranted. The *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737 ("*PennyMac*") appeal remains pending. Additionally, there is another fully briefed appeal to the Nevada Supreme Court involving a similar coverage dispute in *Deutsche Bank Nat'l Trust Co. v. Fidelity Nat'l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 ("*Deutsche Bank*"). Both *PennyMac* and *Deutsche Bank* are fully briefed, but oral argument has not been set. The Parties anticipate that the Nevada Supreme Court's decisions in the foregoing appeals may touch upon issues regarding the interpretation of policy and claims handling, that could potentially affect the disposition of the instant action.

Accordingly, the Parties believe an additional stay of six months in the instant action will best serve the interests of judicial economy. The Parties request that the action be stayed for an additional six months, through and including, August 7, 2023. The Parties are to submit a Joint Status Report on or before August 7, 2023. The Parties further agree that this stipulation and stay of this case is entered based on the specific circumstances surrounding this particular case, and that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

NOW THEREFORE, the Parties, by and through their undersigned counsel, hereby stipulate and agree as follows:

1. In the interests of judicial economy and in efforts to preserve the Parties' resources, the Parties request that this action be **STAYED FOR AN ADDITIONAL SIX (6) MONTHS**, through and including, August 7, 2023.
2. All deadlines currently set in this case shall remain **VACATED**.
3. The Parties are to submit a Joint Status Report on or before August 7, 2023.

1 4. By entering into this Stipulation, none of the Parties is waiving its right to
2 subsequently move the Court for an order lifting the stay in this action.

3 5. Notwithstanding this Stipulation, the Parties may continue to conduct third-party
4 discovery (including by issuing and enforcing third-party subpoenas) to preserve
5 evidence.

6 **IT IS SO STIPULATED.**

7 DATED this 6th day of February, 2023.

DATED this 6th day of February, 2023.

8 WRIGHT, FINLAY & ZAK, LLP

EARLY SULLIVAN WRIGHT
GIZER & McRAE LLP

9
10 /s/ Lindsay D. Dragon

/s/ Sophia S. Lau

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16 *Division of Wilmington Savings Fund*

Insurance Company

17 *Society, FSB, not in its Individual Capacity*

18 *but as Trustee of ARLP Trust 3*

19
20
21 **IT IS SO ORDERED.**

22 
UNITED STATES DISTRICT JUDGE

23 Dated: February 7, 2023.